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March 19, 2001

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
Office of the Secretary
445 Twelfth Street, SW Room TWB-204
Washington, D.C. 20554

Re: Comments of Competitive Telecommunications Association,
CC Docket No. 01-19

Dear Ms. Salas:

Enclosed please find an original and four copies of the Comments of Competitive Telecommunications Association's in the above-referenced matters. Please feel free to contact me if you have any questions.

Sincerely,



Jennifer M. Kashatus

Enclosures

cc: [unclear] 014

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)

Local Competition and Broadband Reporting)

CC Docket No. 99-301

COMMENTS OF COMPETITIVE TELECOMMUNICATIONS ASSOCIATION

By their attorneys and pursuant to the *Notice of Proposed Rulemaking* in CC Docket No. 99-301,¹ the Competitive Telecommunications Association ("CompTel") hereby respectfully submits these comments.²

CompTel strongly opposes the Commission's proposals to impose additional regulatory requirements on competitive local exchange carriers ("CLECs"). If the Commission imposes additional reporting requirements, CLECs will be forced to expend additional time, money, and other resources to fulfill these requirements. These resources can be better spent on building infrastructure, winning customers, and competing with entrenched monopolists. It is exactly these type of regulations that are counter to the pro-competitive, deregulatory purposes of the 1996 Act.

The proposals in the *Notice* continue a disturbing trend by the Commission to impose additional piecemeal regulatory burdens and reporting requirements on a sector of the competitive community that can least afford it, and, under a competitive model, does not justify

¹ *Local Competition and Broadband Reporting*, CC Docket No. 99-301, Second Notice of Proposed Rulemaking, FCC 01-19 (rel. Jan. 19, 2001) ("*Broadband Reporting Requirements NPRM*").

² CompTel is the premier industry association representing competitive telecommunications providers and their suppliers. CompTel's members provide local, long distance, international and enhanced services throughout the nation.

such regulation. The *Data Gathering Order* was one of the first orders to impose a federal reporting requirement on CLECs.³ More recently the Commission has proposed the adoption of service quality reporting requirements for CLECs while reducing the service quality reporting requirements incumbent local exchange carriers (“ILECs”) must meet.⁴ Now the Commission, under the guise of ‘refining’ some of its reporting requirements, is proposing changes that will make them significantly more onerous for CLECs. To pursue the pro-competitive, deregulatory goals of the 1996 Act, the Commission should reverse course; rather than impose additional regulatory requirements on CLECs, the Commission should pare back or remove these unnecessary obligations.

The Commission has tentatively concluded that it must gather “additional data about deployment and availability of broadband services to discrete geographic areas and among distinct demographic groups”⁵ in order to meet its obligations under Section 706. However, it seemingly ignores the fact that, for the most part, CLECs are dependent on ILECs to provide advanced services. CLECs need access to UNEs to provide local exchange service and/or advanced services to end users. Therefore, if an ILEC does not offer service to an area, it is unlikely that a CLEC would offer service to that location.

Moreover, if the ILEC does provide service at a given location, the CLEC must have reasonable access to that information in order to be able to serve its customers. If the Commission concludes it must collect information regarding the deployment and availability of

³ See *Reporting Requirements NPRM* at §§ 1-2; see also *Local Competition and Broadband Reporting*, Order, 15 FCC Rcd 7717 (rel. Mar. 30, 2000) (“*Data Gathering Order*”).

⁴ *2000 Biennial Regulatory Review – Telecommunications Service Quality Reporting Requirements*, CC Docket No. 00-229, Notice of Proposed Rulemaking, FCC 00-399, (rel. Nov. 9, 2000) (“*ARMIS Reporting Requirements NPRM*”).

⁵ *Broadband Reporting Requirements NPRM* at ¶ 2.

broadband services, there are two ways it can do so that would minimize the additional regulatory burden on CLECs. First, the Commission should use statistical sampling. Iowa Telecommunications Services, Inc. is correct that the Commission can obtain the information it needs using statistical sampling.⁶ Statistical sampling will provide the Commission with the information it deems necessary while reducing the regulatory burden on providers who do not have to report. Second, the Commission should not require CLECs to collect and provide any data they do not already collect. For example, unlike the ILECs, many CLECs do not charge different rates to business and residential customers. As a result, these CLECs do not necessarily collect information on whether a user is a business or residential customer. The process of determining whether a customer is residential, a small business, or a large business or institutional user is not economically practicable for these carriers⁷ and breaking data down by zip code also is prohibitively expensive for some CLECs.⁸

Finally, the Commission should not change its confidentiality rules. Creating a rebuttable presumption that some or all of the data in Form 477 do not meet the Commission's standards for competitively-sensitive information⁹ would undermine many CLECs' willingness to provide the Commission with broadband data and could lead to numerous administrative and judicial challenges.

The best way for the Commission to increase broadband service availability is to complete work on rulemakings that would resolve open issues regarding the ILECs' line-sharing, line-splitting, collocation, and subloop unbundling obligations. Completing these proceedings

⁶ *Id.* at ¶ 14.

⁷ *Id.* at ¶ 17.

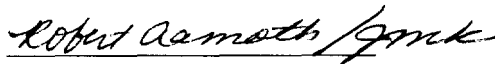
⁸ *Id.* at ¶¶ 18-19.

⁹ *Id.* at ¶ 26.

and enforcing the rules that result is the most effective way to spur competition and bring the dream of advanced services to more consumers.

For the foregoing reasons, the Commission should refrain from imposing any additional broadband service reporting requirements on CLECs. Rather, it should scale back its current requirements. Reporting requirements simply divert money, time, and resources away from the business of competing. However, if the Commission truly believes that such reporting is necessary, it should use statistical sampling to obtain such information. The Commission should also limit the type of data collected to information the CLEC already collects. Finally, the Commission should not alter its confidentiality rules.

Respectfully submitted,

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Attorneys for the Competitive
Telecommunications Association

March 19, 2001

CERTIFICATE OF SERVICE

I, Theresa A. Baum, hereby certify that on this 19th day of March, 2001, I served copies of Comments of Competitive Telecommunications Association by hand delivery on the following:

Suzanne McCrary
Industry Analysis Division
Federal Communications Commission
445 12th St., S.W.
Washington, DC 20554

A handwritten signature in black ink, reading "Theresa A. Baum", written over a horizontal line.

Theresa A. Baum